



STATE OF MICHIGAN

SUPREME COURT

MICHIGAN FIRST CREDIT UNION,  
Plaintiff-Appellee,

v

BARBARA J. SMITH,  
Defendant-Appellant

---

SC: 143371  
COA: 296670  
Oakland CC: 2007-82217

Statements of Justices CAVANAGH and HATHAWAY denying Defendant's Motion to Disqualify

August 12, 2011

CAVANAGH, J. Having reviewed the Motion for Disqualification and MCR 2.003, I deny the motion. None of the disqualifying provisions of MCR 2.003(C)(g)(i-iv) mandate my disqualification and I have participated in innumerable matters over the years in which Judge MARK CAVANAGH was on the Court of Appeals panel.

HATHAWAY, J. Defendant has brought this motion seeking my disqualification from her application for leave to appeal. Defendant's motion alleges that I am related to Wayne County Circuit Judge Amy Hathaway and that Judge Amy Hathaway acted as a judge in the case before this Court on appeal. However, the case defendant seeks leave to appeal from was decided in the Oakland County Circuit Court. Judge Amy Hathaway did not act as a judge in the case before us. Furthermore, I am not related to Judge Amy Hathaway.

Because I do not believe that grounds supporting disqualification exist, I deny defendant's motion.